

FEB 10 2006

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of: Durdon Docket No.: 2077-42
US Serial Number: 10/694852
Filed: October 29, 2003
Title: **Disposable Cup Lid with Condiment Tab**
Examiner: Hylton, R. A. Group Art Unit: 3727

The Commissioner of Patents
The United States Patent Office
Crystal Plaza Two, 2011 Jefferson Davis Highway
Arlington, Virginia 22202 USA

February 10, 2006

VIA FACSIMILE

Sir:

RESPONSE TO OFFICE ACTION

This is in response to the Notice of Abandonment dated January 3, 2006. As such, this response and petition are being filed within 2 months of the date of the Notice of Abandonment.

The Applicant contends that the abandonment of this application was unintentional and respectfully requests reinstatement of this application. In order to effect reinstatement, enclosed are: (i) a complete and full response to the Final Office Action of May 31, 2005; (ii) a completed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); and (iii) documents to file a Request for Continued Examination (RCE) on the present application.

Also enclosed is authorization for credit card payment of all of the requisite fees, in respect of this matter.

Further, the Office is requested to note that an Appointment of Agent form, in favour of the undersigned, was recently filed. As such, all future correspondence should now be directed to the attention of the undersigned, under Client No. 58388.

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The Applicant confirms that the entire delay in responding to the Action was unintentional.

In response to the Action, which Action was marked as being FINAL, the Applicant respectfully submits a copy of an amended paragraph 31, an amended set of 17 claims, and comments and remarks made in respect of these amendments.

Amendments to the Disclosure:

Kindly replace paragraph 0031 with the paragraph enclosed herewith. This amended paragraph replaces all prior versions of record in the present application.

Listing of Disclosure Amendment

[0031] Referring first to Figures 1 to 3, a first embodiment of a cup lid in keeping with the present invention is shown. In Figure 1, the cup lid 10 is shown being placed on the rim 12 of a drinking cup 14 which has a substantially circular opening at its upper end 16. The cup lid 10 comprises a cover portion 18 having first and second substantially planar regions 20 and 22 respectively, a rim portion 24 around the periphery 26 of the cover portion 18, a hinge 28, a reclosable and tearable fold-back condiment tab 30, and a recess 32. The condiment opening 34 is defined in the first substantially planar region 20. The said ~~+~~, which first substantially planar region 20, as shown in the drawings, extends over at least about half of the cover portion 18, ~~+~~ and the drinking Drinking access port 36 is defined in the second substantially planar region 22 and is positioned substantially opposite the condiment opening 34. The rim portion 24 is sealingly securable to the upper end 16 of the drinking cup 14, as can be best seen in Figure 1. The hinge 28 is formed in the first substantially planar region 20, and furthermore, the hinge is formed at least partially along a chord and is bisected by a diameter of the cup lid. The reclosable and tearable fold-back condiment tab 30 in the first substantially planar region 20 is defined by the hinge 28 and by fault lines 38 formed in the first substantially planar region 20. Moreover, the reclosable and tearable fold-back condiment tab 30 has an upstanding post 40 provided thereon. The recess 32 in the first substantially planar region 20 is dimensioned to frictionally receive the post 40 of the condiment tab 30 when it is torn and folded back, as shown in Figure 2. When the condiment tab 30 is torn and folded back, the condiment opening 34 is accessible.